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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,960	07/24/2001	Ola Olofsson	TPP 30887CIP2	4841

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 04/24/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/910,960	Applicant(s) OLOFSSON ET AL.	
	Examiner Victor MacArthur	Art Unit 3679	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 1/4/2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of the **PREVIOUS NOTIFICATION MAILED ON 12/4/2006**. Since the applicant has failed to correct all of the deficiencies noted in the previous notification, **NO NEW TIME PERIOD WILL BE SET**.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



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Continuation of 10. Other (including any explanation in support of the above items):

The "Status of Claims" section must correctly and specifically state which claims are being appealed. Note that claim objections are not appealable and any argument there against must be pursued through petition. Contrary to applicant's arguments the fact that a discrepancy may be rejected under 112 2nd paragraph does not obligate the Office make such a rejection. It is common Office practice for minor matters of form such as the lack of proper antecedent basis to be objected to rather than rejected. Furthermore, note that the amendment filed 7/25/2006 overcomes the previously stated objections such that the matter is moot regardless of whether petitionable or appealable.

The "Summary of Claimed Subject Matter" section fails to include the reference character associated with each claimed element (e.g., "guiding means", "core", "fitting clearance", "first part of the fitting clearance", "second guiding fitting clearance", "main part", "smaller part", "distal angled surface", "section extending from the distal angled surface", "glue", etc. Note that reference to the drawings of the claimed subject matter is to be by reference characters. See 37 CFR 41.37(c).

The "Summary of Claimed Subject Matter" section fails to refer to each and every recited claim element by page and line number of the specification. For example, the angled distal surface has not been properly referenced/identified. With respect to this example, it is noted that the entire last paragraph of page 2 is referenced at the end of the sentence that mentions "angled distal surface". However, nowhere in this paragraph is any mention found of the angled distal surface. It is further noted that some elements are defined by reference to "original" claims. This is improper. The purpose of this section is to identify where in the specification the subject matter is found and what the subject matter is (by reference characters). Contrary to the applicant's arguments and footnote 2 of page 2, claims, regardless of when they were filed, cannot be relied upon to describe other claims. If the applicant is having trouble locating the "Detailed Description of the Preferred Embodiments" section of the Specification, where each element of the claims must be described, then the applicant should contact the examiner for assistance.

The "Grounds of Rejection to be Reviewed on Appeal" section should not include petitionable matters such as minor claim objections. Note that the objections to claims 7 and 19 have been overcome by the amendment filed 7/25/2006 such that the matter is moot regardless of whether petitioned or appealed.

The "Argument" section should not refer to petitionable matters such as minor claim objections. (e.g., paragraph A of the Argument sections).